

INTRODUCTORY MEMORANDUM

GENERIC SIGN PRESERVATION ORDINANCE TO PRESERVE SIGNS ALONG ROUTE 66 IN NEW MEXICO

This project came about as a joint effort of the New Mexico Heritage Preservation Alliance (the Alliance) and the Rural Heritage Department of the National Trust for Historic Preservation (NTHP) because both organizations consider the signs along Route 66 an intrinsic part of the Route 66 experience. These historic signs are as much a part of the history of Route 66 as the pavement itself and are threatened by changes in land use, sign ordinances, and modern advertising, prompting the Alliance to name historic commercial Route 66 signs to its Most Endangered Places List for 2001. When communities adopt sign ordinances to limit sign height, location, color and movement for most modern needs, these ordinances, often by default, prohibit and thus threaten the historic neon and other signs erected in the first half of the twentieth century.

The purpose of this project was to investigate sign ordinances and other policies along Route 66 that were detrimental to the maintenance of these historic resources and 1) advise communities of existing weaknesses in ordinances that might jeopardize the historic character, 2) recommend additions to policies and ordinances to further enhance community efforts to protect Route 66, and 3) provide a bridge mechanism, advising of potential opportunities for proactive cooperation or equally to advise about areas of potential conflict. While many communities are supportive of the historic character of the route, few have investigated how everyday local government and infrastructure decisions may directly impact its historic character. Fundamental to this project was the philosophy of reviewing Route 66 as a historic road corridor, not as a collection of independent elements.

Route 66 was the nation's first all-weather highway linking Chicago to Los Angeles, spanning a distance of approximately 2,400 miles through eight states. It linked the isolated and predominantly rural West to the densely populated urban Midwest. "The appearance of U.S. Highway 66 came at a time of unparalleled social, economic, and political disruption and global conflict, and it enabled the most comprehensive movement of people in the history of the United States." (NPS Resource Study, Route 66, United States Department of the Interior, National Service Center, Denver, 1995.) Because this road is considered such a significant part of America's heritage, Congress passed a law in 1990, directing the National Park Service (NPS) to conduct a special resource study that would consider management and preservation options for Route 66. As a result of the study, the passage of the Route 66 Corridor Preservation Act in 1999 directed the National Park Service to help preserve and restore the most significant or representative resources along the route under the Corridor Preservation Program. The Program is administered through the Long Distance

Trails Group Office of the National Park Service in Santa Fe, New Mexico. (Taylor, Michael Romero, "Route 66 Corridor Preservation Program – Protection and Continued Use." Historic Roads Conference, Omaha, 12 April 2002.)

The Sign Ordinance, the Historic District and Historic Preservation Ordinance

Zoning is a means of establishing districts and land uses permitted in each district. Each zoning district may have regulations for buildings, structures or land. Over the years, traditional zoning has been criticized for being not flexible enough to manage land development effectively. As a result, techniques have been developed to increase the flexibility of zoning; one of these is the overlay zone.

Designation and protection of historic districts and sites is a kind of "overlay" zoning that is superimposed ("overlaid ") across a community's various existing zones, creating an additional set of requirements to be met if the special resources protected by the overlay would be affected by a proposed change. Overlay zoning may be used when there is public interest in something that doesn't coincide with traditional zoning. The community concern for protecting historic signs along Route 66 may be in this category.

The model sign ordinance in this packet provides an example of a Historic Preservation Ordinance and a Historic District Ordinance as well as general sign regulations. These are examples based on ordinances others have successfully used. They are not meant to be taken exactly as given, but are intended to be used a starting point for communities interested in adopting protective ordinances.

The Route 66 Corridor Preservation Program is dedicated to preserving the most significant and representative historic properties along the length of the route. The program was designed to collaborate with and assist private individuals, organizations, and government partners in identifying, prioritizing, and addressing Route 66 preservation needs. This model ordinance packet is an example of the type of assistance the Route 66 Corridor Preservation Program makes possible by working with its many preservation partners.

The Model Sign Ordinance in the Context of Planning and Land Use Regulation

Prepared by Anita Miller, Attorney at Law P.C.

The consultant does not believe that a sign ordinance to protect commercial signs along Route 66 can be effective unless it is in the context of planning and land use regulation in each Route 66 municipality and county. Sign ordinances, as land use regulation, are actually “zoning.” State law requires that zoning be in accordance with a comprehensive plan. NMSA Section 3-21-5 (1965) A comprehensive zoning ordinance, in itself, may be considered to be a comprehensive plan. New Mexico courts may not uphold a sign ordinance that is not in the context of a comprehensive scheme to address land use in an entire community.

Route 66 signs, merely left in place along the old route in the midst of a hodgepodge of vacant and deteriorating old buildings and new buildings reflecting national generic commercial or “fast food” building design, lose their effect as landmarks of the period during which Route 66 was a major component of New Mexico culture – the late 1920s to the early 1960s, considering the location of the original route. Historic signs reflecting a period in history can constitute their own “historic district,” without regard to the appearance of the land upon which they are located. Historic preservation of Route 66 is far more effective if the community has recognized the historic and cultural importance of Route 66 to its history, done an inventory of remaining historic buildings, landmarks and signs related to that history and registered these buildings, landmarks and signs, eligible for such designation, on the National Register of Historic Places and the New Mexico State Register of Cultural Properties.

The local government should also have adopted a Comprehensive Plan that includes policies intended to protect these districts and specific buildings, landmarks and signs, and then implemented them through land use regulation. As part of comprehensive Land Development Regulations or a Zoning Ordinance, such regulations should include:

- Establishing Historic District or Historic Overlay Districts to enhance the integrity of what remains of Route 66.

- Adoption of Historic Preservation Ordinances that include design guidelines and performance standards for restoration of historic buildings, structures, landmarks and signs, conditions under which demolition might be appropriate, and requirements for new development in historic districts.
- Formation of Historic Preservation Commissions to administer the Historic District and/or Historic Overlay District Ordinances and the Historic Preservation ordinance.
- Establishment of procedures for administration of the Historic District and/or Historic Overlay District and Historic Preservation Ordinances.
- Adoption of a Sign Ordinance that includes regulation of historic signs.
- Adoption of other corridor protection strategies that could include requirements for landscaping, lighting, noise control and pedestrian/bicycling amenities.

Albuquerque and Gallup have recognized the importance of Route 66 in their communities. Both have Comprehensive Plans, Zoning Ordinances and historic preservation overlay districts for areas of Route 66 and have done preservation and restoration of Route 66 buildings, structures and landmarks.

“Zoning” is not popular in many rural New Mexico communities. To preserve Route 66 and keep it as an asset for economic development and tourism, these communities may adopt proactive strategies for its preservation, planning and some kind of land use regulation. Some rural communities have adopted “Land Development Regulations” to avoid the use of the “z” word. Those undertaking formal preservation and regulatory strategies are well on their way to assuring that Route 66 will remain a visible part of their community’s cultural landscape.

Resources for Inventories of Route 66 Signs in New Mexico.

Historian David Kammer has inventoried major buildings, structures, and landmarks along the Route, and recently completed an inventory of all remaining Route 66 neon signs in New Mexico for the New Mexico Register of Cultural Properties. The Application he filed with the Historic Preservation Office was approved April, 2002. All signs described and inventoried in the application are now listed on the New Mexico Register. A copy of the application is included with the model sign ordinance, since by describing the predominant characteristics of

the remaining Route 66 neon signs in New Mexico, it will assist Route 66 communities in developing Design Guidelines for their signs.

A copy of the *Historic Cultural Properties Inventory (HCPI) Form for Signs* is included as well, to assist communities in conducting inventories for Route 66 era signs other than neon.

The consultant authored *New Mexico Route 66: A Plan for Its Revitalization* for the New Mexico Department of Tourist, which was published in 1992.